



April 23, 2019

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Via Email

Re: Abuse of City of Vallejo infrastructure to impersonate our news organization

Dear Mayor Sampayan and members of the Vallejo City Council:

As you know, Open Vallejo is an independent, nonpartisan newsroom serving the public interest. Although we have not yet formally launched, our reporting has already been recognized by the *New York Times*, the *Guardian*, NBC News, the *Atlanta Journal-Constitution*, the *San Jose Mercury News*, our beloved *Vallejo Times-Herald*, and other outlets, as well as reporters for the *San Francisco Chronicle*, Bloomberg, and Univision.

On April 15, 2019, persons unknown fraudulently submitted two public records requests under the name “Open Vallejo.” Open Vallejo had no knowledge of these requests, numbered 19-209 and 19-211, prior to their publication on Vallejo’s NextRequest portal; we still do not know who submitted them. Both requests appear to target private individuals who have voiced the opinion that the Vallejo Police Department is in need of reform.

In both instances, the fraudulent requests appear designed to embarrass or harass these individuals, and to discredit our startup news organization.

One of the individuals was targeted after speaking about the police department during public comment at the Vallejo city council meeting on April 9, 2019. Public records request number 19-211, falsely filed in our organization’s name, sought this person’s communications with members of the city council and staff.

The other individual was singled out after peaceably expressing concern about a plan to re-hire outgoing Vallejo Police Chief Andrew Bidou as “interim” chief of police, which would have allowed him to collect nearly \$40,000 per month as a retired annuitant. This individual voiced their opinion on social media, including on Facebook profiles controlled by Mayor Sampayan and Councilmember Brown. When this person subsequently posted a question on social media regarding the impersonation of Open Vallejo, Councilmember Brown responded with a pointed question about their standing in an unrelated land use matter that may soon come before the city council. Request number 19-209, which was crafted to appear as if it came from our news organization, seeks similar information.

The City of Vallejo has thus far declined to help determine who is infringing our intellectual property and targeting our readers. The only communication we have received has been a note from the City Clerk informing us that the City of Vallejo will not provide assistance in this matter. As the Vallejo City Clerk wrote on April 15, 2019, “We do not become involved in disputes between requestors nor do we have any obligation to determine who is real and who is not.” The city has also threatened to deny our reasonable public records requests seeking non-exempt metadata and other information that would help identify the person or persons who filed the abusive and fraudulent requests.

Irrespective of the city’s legal obligations, on which we decline to comment in this letter, we believe the City of Vallejo has a moral obligation to ensure its systems are not abused in a way that chills the First Amendment rights of Vallejoans or of the press.

As a news organization, our independence and credibility are our lifeblood. Thus we renew our request that the City of Vallejo take reasonable steps to prevent the impersonation of journalists and newsrooms on its public systems. Since Open Vallejo has a NextRequest account, the city has a ready means of verifying our bona fide requests, and distinguishing them from attempts to chill or discredit us. In addition, we hope Vallejo will join [San Francisco](#), [Los Angeles](#), [Oakland](#), [San Diego](#), [Santa Rosa](#), the [California Public Utilities Commission](#), and numerous other agencies in leaving the identities of public records requesters unpublished as an initial matter, and as the platform allows; this may assist with preventing acts of unlawful intimidation and harassment that have been covered extensively in the [regional](#) and [national](#) press.

We see the city’s continued inaction as a growing press freedom issue. If a city employee or official is found to be behind the impersonation of us as a newsroom, we will treat it as a First Amendment issue. This is an easy opportunity for the City of Vallejo to demonstrate its ability, and willingness, to act responsibly.

We look forward to your response.

Sincerely,
Your neighbors at Open Vallejo

cc:

ACLU of Northern California
First Amendment Coalition
Society of Professional Journalists, Northern California Chapter
American Society of News Editors
California Newspaper Publishers Association
Reporters Committee for Freedom of the Press
Reporters Without Borders
Freedom of the Press Foundation
Electronic Frontier Foundation
Columbia Journalism Review

Vallejo Times Herald
East Bay Times
San Jose Mercury News
San Francisco Chronicle
KQED
KTVU
Sacramento Bee
New York Times
Guardian
NBC News
Atlanta Journal-Constitution

P.S. We understand there have been inquiries from city officials about who we are, and why we have thus far remained an anonymous collective. In our view, governance is not about personalities or politics; integrity speaks for itself. We agree with the view expressed by the U.S. Supreme Court in *McIntyre v. Ohio Elections Commission*: that anonymous speech on matters of public concern embodies “an honorable tradition of advocacy and of dissent.” *McIntyre*, 514 U.S. 334, 357 (1995).